IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Criminal Application No.4088 of 2005

Ashwini Kumar ..Applicant

Versus

Lafarge India Pvt. Ltd & Anr. ..Respondents

Mr.N.S.Mundargi i/b. Mr. Arpan Rajput & Co. for the applicant

CORAM: SMT.V.K.TAHILRAMANI, J.

DATE : 2nd August, 2005

P.C.

1. Heard the learned advocate for the applicant and the learned APP for the State.

2. The applicant has prayed for quashing of process issued against them in Criminal Case No.120/SS/2004 which is pending in the Court of learned Metropolitan Magistrate, 29th Court, Dadar, Mumbai. In the said case process has been issued against the applicant under section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005, passed in Criminal Application No.550 of 2005, the applicant has an efficacious remedy of preferring revision against

the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned Advocate for the Applicant states that the necessary revision would be preferred within a period of five weeks from today. In view of this statement, the trial court shall not proceed with the trial for a period of five weeks from today.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties.

6. Application is disposed of.

(V.K.Tahilramani, J.)